OIPE JC12
JUN 22 2005
PATENT & TRADEMARK OFFICE

04-23-05

BEST AVAILABLE COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/925,673

Applicants : Masakatsu KANEKO et al.

Filed : August 9, 2001

For : NOVEL NUCLEOSIDE AND OLIGONUCLEOTIDE ANALOGUES

Art Unit : 1623

Examiner : Howard Owens, Jr.

Docket No. : 01376CIP/HG

Customer No.: 01933

Confirm. No.: 4630

APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 CFR §1.705)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PETITION

S I R :

CORRECTED NOTICE OF ALLOWANCE: APRIL 5, 2005

Express Mail Mailing Label No.: EV 704 327 930 US
Date of Deposit: June 22, 2005
I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 with sufficient postage on the date indicated above and is addressed to:
MAIL STOP PETITION
Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

Dorothy DeFrancesco

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

1. This is a request for reconsideration of the patent term adjustment of 162 days indicated in the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) that was attached to the Corrected Notice of Allowance mailed April 5, 2005. It is respectfully requested that applicants be afforded a patent term adjustment of 231 days.

06/24/2005 FFANAIA3 00000071 09925673
01 FC:1455 200.00 OP

2. The issue fee has not yet been paid.

3. Applicants submit herewith a "Statement of the Correct Patent Term Adjustment: Basis(es) Under 37 CFR §1.702 For the Adjustment - Part B." (37 C.F.R. §1.705(b)(2)(i) and (ii).

4. Any patent granted on this application (37 C.F.R. §1.705(b)(2)(iii) is not subject to a terminal disclaimer.

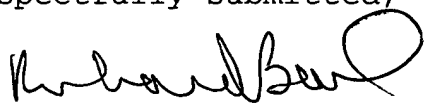
5. As to any circumstances during the prosecution of this application constituting a failure to engage in reasonable efforts to conclude processing or examination of the above-identified patent application as set forth in §1.704 (37 C.F.R. §1.705(b)(2)(iv): there was none (37 C.F.R. §1.705(b)(2)(iv)(B)).

6. The fee set forth in §1.18(e) ($200), required by 37 C.F.R. 1.705(b)(1), is paid as follows:

Attached is a check in the amount of $200.

To the extent not tendered by check attached hereto, authorization is given to charge any additional fees to Deposit Account No. 06-1378.

Respectfully submitted,



RICHARD S. BARTH
REG. NO. 28,180

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.
220 FIFTH AVENUE - 16TH FLOOR
NEW YORK, NEW YORK 10001-7708
Tel. Nos. (212) 319-4900
(212) 319-4551/Ext. 219
Fax No. (212) 319-5101
E-Mail Address: BARTH@FHGC-LAW.COM
RSB/ddf

Encs.: (1) Statement of the Correct Patent Term Adjustment: Basis(es) Under §1.705(b)(2)(i) and (ii)

(2) Check for $200

OIPE JC124 JUN 22 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/925,673

Applicants : Masakatsu KANEKO et al.

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Dorothy DeFrancesco

Dorothy DeFrancesco

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by check attached hereto, authorization to charge the extension fee, or any other fee required in connection with this Paper to Account No. 06-1378.

STATEMENT OF THE CORRECT PATENT TERM ADJUSTMENT: BASIS(ES) UNDER 37 C.F.R. § 1.702 FOR THE ADJUSTMENT (37 C.F.R. §1.705(b)(2)(i) AND (ii))

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PETITION

S I R :

1. This statement is being submitted in support of the "APPLICATION FOR PATENT TERM ADJUSTMENT INCLUDING REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT INDICATED IN NOTICE OF ALLOWANCE (37 CFR §1.705)" to which this statement is attached.

2. 37 C.F.R. §1.705(b)(2)(i)

The correct patent term adjustment and the bases under §1.702 for the adjustment are as follows:

The patent term adjustment set forth on the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) that was attached to the Corrected Notice of Allowance mailed April 5, 2005 is 162 days. It is respectfully submitted that this determination of 162 days is an error, due to improper "Palm" entries by the USPTO.

(a) The Patent Term Adjustment History for the above-identified application (a copy of which is enclosed) indicates a 7-day USPTO delay from the filing of a (first) Request for Continued Examination on April 13, 2004 to the Mailing of a Notice of Allowance on "August 20, 2004." This appears to be an error, since a Notice of Allowance (entitled "Corrected Notice of Allowance") was mailed by the USPTO on August 11, 2004, not on August 20, 2004. Therefore, it appears that applicants may not be entitled to such 7-day USPTO delay.

(b) A (second) Request for Continued Examination was filed on August 17, 2004. The Patent Term Adjustment History for the above-identified application indicates that a Notice of Allowance was mailed on January 31, 2005. This was the first action after the filing of the RCE on August 17, 2004. However, such Notice of Allowance was not mailed by the USPTO until **March 3, 2005**. This results in a USPTO delay of 76 days (four months and 76 days after the filing of the RCE).

(c) In view of the above, it is respectfully submitted that the correct patent term adjustment under 37 C.F.R. §1.702 is 231 days (162 days + 76 days - 7 days).

3. 37 CFR §1.705(b)(2)(ii)

The relevant date for which an adjustment is sought and the adjustment as specified in §1.703(f) to which the patent is entitled, is as follows:

Adjustment sought is for the following date:

Notice of Allowance dated January 31, 2005.

Adjustment to be made for correct mailing date: March 3, 2005.

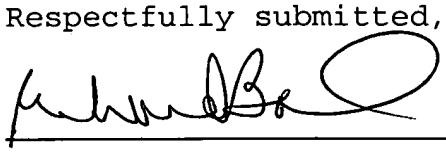
The factual basis for the above adjustment follows.

The USPTO NOTICE OF ALLOWANCE bearing a "DATE MAILED" of January 31, 2005, as shown on the first page thereof, a copy of which is attached hereto, was mailed by the USPTO on **March 3, 2005**. The undersigned states that the enclosed copy of an envelope is a copy of the envelope that contained the USPTO NOTICE OF ALLOWANCE dated January 31, 2005, showing the postmark date of **March 3, 2005**. This evidences the mailing of the USPTO NOTICE OF ALLOWANCE (dated January 31, 2005) on **March 3, 2005**.

Attached hereto is a copy of a PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE MORE THAN ONE MONTH LATER THAN MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE (including EVIDENCE AND STATEMENT ACCOMPANYING PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE BEING MORE THAN ONE MONTH LATER THAN MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE) filed March 18, 2005. As a result of the aforesaid PETITION, applicants received the CORRECTED NOTICE OF ALLOWANCE AND FEE(S) DUE dated April 5, 2005 (copy enclosed), which reset the term for submitting the Issue Fee to July 5, 2005. It is respectfully submitted that the foregoing establishes that

the USPTO acknowledged that the NOTICE OF ALLOWANCE dated January 31, 2005 was mailed by the USPTO on March 3, 2005.

Respectfully submitted,



RICHARD S. BARTH
REG. NO. 28,180

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.
220 FIFTH AVENUE - 16TH FLOOR
NEW YORK, NEW YORK 10001-7708
Tel. Nos. (212) 319-4900
(212) 319-4551/Ext. 219
Fax No. (212) 319-5101
E-Mail Address: BARTH@FHGC-LAW.COM
RSB/ddf

Encs.: (1) Copy of the Patent Term Adjustment History for application Serial No. 09/925,673

(2) Copy of envelope from the USPTO that contained the NOTICE OF ALLOWANCE, showing the postmark date of March 3, 2005

(3) Copy of the USPTO NOTICE OF ALLOWANCE dated January 31, 2005

(4) Copy of PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE MORE THAN ONE MONTH LATER THAN MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE, filed March 18, 2005

(5) Copy of USPTO NOTICE OF ALLOWANCE dated April 5, 2005

OIPE JC124 JUN 22 2005 PATENT & TRADEMARK OFFICE

PATENT APPLICATION INFORMATION RETRIEVAL

Patent Term Adjustment (PTA) for publication number: 09/925,673			
			Days
Filing or 371(c) Date:	08-09-2001	USPTO Delay (PTO):	193
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	31
Post-Issue Petitions (days):	+0	Total PTA:	162
USPTO Adjustment (days):	+0	Explanation of Calculations	

Search Options

Assignments
Continuity Data
Display References
Foreign Priority
Image File Wrapper
File History
Publication Review
Published Documents

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
04-05-2005	Mail Corrected Notice of Allowance		
04-05-2005	Corrected Notice of Allowance		
01-27-2005	Issue Revision Completed		
01-31-2005	Mail Notice of Allowance		
01-28-2005	Notice of Allowance Data Verification Completed		
01-28-2005	Notice of Allowability		
09-16-2004	Reference capture on IDS		
09-16-2004	Information Disclosure Statement (IDS) Filed		
08-17-2004	Information Disclosure Statement (IDS) Filed		
08-19-2004	Reference capture on IDS		
08-17-2004	Information Disclosure Statement (IDS) Filed		
01-10-2005	Date Forwarded to Examiner		
01-10-2005	Date Forwarded to Examiner		
08-17-2004	Request for Continued Examination (RCE)		
01-10-2005	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
10-21-2004	Workflow - Query Request - Begin		
09-14-2004	Receipt into Pubs		
09-07-2004	Sequence Moved to Public Database		
08-23-2004	Workflow - File Sent to Contractor		
08-19-2004	Issue Revision Completed		

08-20-2004	Mail Notice of Allowance	7	
08-19-2004	Notice of Allowance Data Verification Completed		
08-19-2004	Notice of Allowability		
08-19-2004	Date Forwarded to Examiner		
04-13-2004	Request for Continued Examination (RCE)		
08-19-2004	DISPOSAL FOR A RCE/CPA/129 (express abandonment if CPA)		
08-09-2004	Case Docketed to Examiner in GAU		
04-13-2004	Workflow - Request for RCE - Finish		
04-26-2004	Receipt into Pubs		
04-13-2004	Workflow incoming amendment IFW		
04-13-2004	Workflow - Request for RCE - Begin		
04-05-2004	Workflow - Query Request - Finish		
04-02-2004	Mail Acknowledgement of Priority Papers		
04-01-2004	Acknowledgement of Priority Papers		
03-16-2004	Receipt into Pubs		
03-11-2004	Workflow - Query Request - Begin		
02-26-2004	Sequence Forwarded to Pubs on Tape		
02-20-2004	Receipt into Pubs		
02-18-2004	Workflow - File Sent to Contractor		
02-18-2004	Receipt into Pubs		
01-28-2004	Mail Notice of Allowance	18	
01-26-2004	Notice of Allowance Data Verification Completed		
01-26-2004	Notice of Allowability		
10-09-2003	Date Forwarded to Examiner		
09-10-2003	Response after Non-Final Action		
09-03-2003	Information Disclosure Statement (IDS) Filed		
06-05-2003	Information Disclosure Statement (IDS) Filed		31
08-25-2003	Information Disclosure Statement (IDS) Filed		
07-29-2003	Mail Non-Final Rejection		
07-28-2003	Non-Final Rejection		
05-06-2003	Information Disclosure Statement (IDS) Filed		
05-12-2003	Date Forwarded to Examiner		
05-05-2003	Response to Election / Restriction Filed		
03-31-2003	Information Disclosure Statement (IDS) Filed		
03-26-2003	Mail Restriction Requirement	168	
03-24-2003	Requirement for Restriction / Election		
10-10-2002	Case Docketed to Examiner in GAU		
10-01-2002	Case Docketed to Examiner in GAU		
01-09-2002	Information Disclosure Statement (IDS) Filed		
09-18-2002	Case Docketed to Examiner in GAU		
03-11-2002	Information Disclosure Statement (IDS) Filed		
01-14-2002	Information Disclosure Statement (IDS) Filed		
01-09-2002	Information Disclosure Statement (IDS) Filed		
01-31-2002	Case Docketed to Examiner in GAU		
01-11-2002	Application Dispatched from OIPE		
01-11-2002	Application Is Now Complete		
10-19-2001	Notice Mailed--Application Incomplete--Filing Date Assigned		

10-18-2001	Correspondence Address Change		
10-10-2001	Error(s) in CRF Corrected by STIC		
08-21-2001	IFW Scan & PACR Auto Security Review		
08-09-2001	CRF Disk Has Been Received by Preexam / Group / PCT		
08-09-2001	Initial Exam Team nn		



AFTER 10 DAYS RETURN TO:
Organization TC 1600 Bldg./Rm. REMSEN

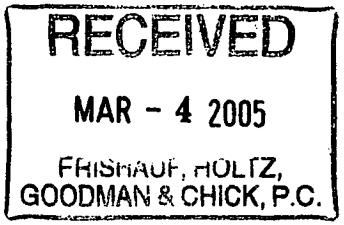
U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231

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04-48

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United States Patent and Trademark Office
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www.uspto.gov

OIPE
JUN 22 2005
PATENT & TRADEMARK OFFICE

NOTICE OF ALLOWANCE AND FEE(S) DUE

RECEIVED
MAR - 4 2005
FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.

01933 7590 01/31/2005

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
767 THIRD AVENUE
25TH FLOOR
NEW YORK, NY 10017-2023

EXAMINER	
OWENS JR, HOWARD V	
ART UNIT	PAPER NUMBER
1623	

DATE MAILED: 01/31/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,673	08/09/2001	Masakatsu Kaneko	01376CIP/HG	4630

TITLE OF INVENTION: NOVEL NUCLEOSIDE AND OLIGONUCLEOTIDE ANALOGUES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	05/02/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

OIPE JC124
JUN 2 2 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/925,673

Applicants : Masakatsu KANEKO et al.

Filed : August 9, 2001

For : NOVEL NUCLEOSIDE AND OLIGONUCLEOTIDE ANALOGUES

Art Unit : 1623

Examiner : Howard Owens, Jr.

Docket No. : 01376CIP/HG

Customer No.: 01933

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No.: EV 584 633 096 US
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Dorothy DeFrancesco

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PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE MORE THAN ONE MONTH LATER THAN MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE

COPY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP PETITIONS

S I R :

1. This petition is being filed to restart the period of response as of March 4, 2005 to the PTO NOTICE OF ALLOWANCE having a "DATE MAILED" of January 31, 2005. A copy of the first page of the PTO NOTICE OF ALLOWANCE showing the mailing date of January 31, 2005 is attached hereto.

2. This petition is being filed within two weeks of the receipt in our office (the "correspondence address") of the PTO NOTICE OF ALLOWANCE on March 4, 2005.

3. The response period was for payment of the issue fee.

4. Enclosed herewith are the following:

(a) evidence showing the March 4, 2005 date of receipt of the PTO NOTICE OF ALLOWANCE at the correspondence address (our office), namely (i) a copy of the PTO NOTICE OF ALLOWANCE (including the Notice of Allowability) with our date stamp which states as follows: "RECEIVED MAR -4 2005 FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.", (ii) a copy of our firm's daily log including entries of papers received from the PTO on March 4, 2005 (see the entry of March 4, 2005 which reads as follows: "1/31 01376CIP HG IF KANEKO 09/925673 05/02/05", wherein "IF" means Issue Fee);

(b) a copy of the envelope that contained the PTO NOTICE OF ALLOWANCE showing the postmark date of March 3, 2005; and

(c) a statement setting forth the March 4, 2005 date of the receipt of the PTO NOTICE OF ALLOWANCE at the correspondence address (our office) and stating that the PTO NOTICE OF ALLOWANCE was received in the aforesaid post-marked envelope.

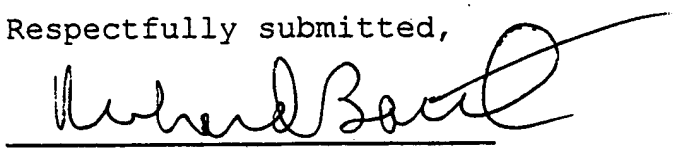
5. The petition fee (37 C.F.R. 1.17(h) - $130.00) is paid as follows: attached is a check in the amount of $130.

Please charge any additional fees required by this paper or credit any overpayment to Deposit Account NO. 06-1378.

COPY

It is respectfully submitted that all the requirements for restarting the period for response to the NOTICE OF ALLOWANCE from March 4, 2005 have been met. The granting of this Petition is respectfully requested.

Respectfully submitted,



RICHARD S. BARTH
REG. NO. 28,180

FRISHAUF, HOLTZ, GOODMAN & CHICK, P.C.
767 THIRD AVENUE - 25TH FLOOR
NEW YORK, NEW YORK 10017-2023
Tel. Nos. (212) 319-4900
(212) 319-4551/Ext. 219
Fax No. (212) 319-5101
E-Mail Address: BARTH@FHGC-LAW.COM
RSB/ddf

COPY

Encs.: (1) Copy of NOTICE OF ALLOWANCE having date stamp of March 4, 2004 (including Notice of Allowability)

(2) Copy of our firm's daily log showing the entry date of March 4, 2005 when the PTO NOTICE OF ALLOWANCE was received

(3) Copy of envelope from the PTO that contained the NOTICE OF ALLOWANCE showing the postmark date

(4) EVIDENCE AND STATEMENT ACCOMPANYING PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE BEING MORE THAN ONE MONTH LATER THAN MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE, including copies of the following: (a) AMENDMENT in SN 09/925,673 filed August 17, 2004; (b) INFORMATION DISCLOSURE STATEMENT (including Form PTO/SB/08A) filed on August 17, 2004 in SN 09/925,673; and (c) AMENDMENT UNDER 37 CFR 1.312 dated December 20, 2004 in SN 10/208,650

(5) Check for $130

OIPE JUN 2 2 2005 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No. : 09/925,673

Applicants : Masakatsu KANEKO et al.

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Dorothy DeFrancesco

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EVIDENCE AND STATEMENT ACCOMPANYING PETITION TO RESET PERIOD FOR RESPONSE DUE TO POSTMARK DATE BEING MORE THAN ONE MONTH LATER THAN MAIL DATE PRINTED ON PTO NOTICE OF ALLOWANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COPY

MAIL STOP PETITIONS

S I R :

1. I, Richard S. Barth, hereby state that the PTO NOTICE OF ALLOWANCE bearing a "DATE MAILED" of January 31, 2005, as shown on the first page thereof that accompanies this petition, was received at the correspondence address (our office) on March 4, 2005.

2. The evidence showing the date of receipt of the PTO NOTICE OF ALLOWANCE at the correspondence address of the applicants is as follows:

(a) a copy of the first page of the PTO NOTICE OF ALLOWANCE showing the date of receipt at the correpondence address of March 4, 2005 stamped thereon;

(b) a copy of the envelope that contained the PTO NOTICE OF ALLOWANCE showing its postmark date of March 3, 2005;

(c) a copy of our firm's daily log maintained for the receipt of mail from the PTO showing the entry of the date of receipt of the PTO NOTICE OF ALLOWANCE, namely March 4, 2005.

3. I state that the above-described evidence fully establishes the March 3, 2005 date of the postmark and the March 4, 2005 date of the receipt of the PTO NOTICE OF ALLOWANCE.

4. The additional time requested herein to pay the Issue Fee is needed so that errors in the PTO record may be corrected. Such errors are discussed hereinbelow.

5. (a) The NOTICE OF ALLOWABILITY states as follows: "The allowed claims is/are 1-77." This was the correct numbering of claims prior to the filing of the RCE on August 17, 2004. The AMENDMENT filed on August 17, 2004 together with said RCE amended

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some of the claims; canceled other claims; and added new claims, resulting in a total of 56 claims pending in the application. This erroneous identification of the allowed claims has been called to the attention of the Examiner during a recent telephone conversation between the Examiner and the undersigned.

A copy of said AMENDMENT dated August 17, 2004, which was downloaded from the PAIR system showing a PTO date stamp receipt of August 17, 2004, is enclosed.

(b) The NOTICE OF ALLOWABILITY returned the following IDS documents with the Examiner's initials in the left column: (i) Form PTO/SB/08A (one page) and Form PTO/SB/08B (one page), each dated September 16, 2004 and (ii) the Form PTO/SB/08A dated September 30, 2004.

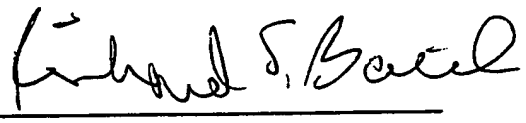
(c) The NOTICE OF ALLOWABILITY did not return an initialed copy of the Form PTO/SB/08A (one page) dated August 17, 2004, which was filed together with said RCE on August 17, 2004. A copy of the INFORMATION DISCLOSURE STATEMENT dated August 17, 2004, which includes said Form PTO/SB/08A which was downloaded from the PAIR system showing a PTO date stamp receipt of August 17, 2004, is enclosed herewith. During the aforesaid telephone conversation with the Examiner, the non-receipt of an initialed copy of said Form PTO/SB/08A dated August 17, 2004 was called to the Examiner's attention. Although each of the four

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United States patent documents identified on said August 17, 2004 Form PTO/SB/08A is considered relevant, the patent document US 2003/0144231A1, which is the publication of SN 10/208,650 is particularly relevant in view of the allowed claims, which are different than the original claims printed in US 2003/0144231A1 and which are more relevant than the claims printed in US 2003/0144231A1. For the Examiner's convenience, submitted concomitantly herewith is a copy of the AMENDMENT UNDER 37 C.F.R. § 1.312 in SN 10/208,650 which contains the allowed claims (which was downloaded from the public PAIR system), which is dated and was filed on December 20, 2004.

(d) A copy of our postcard receipt for our said AMENDMENT filed on August 17, 2004 and our said INFORMATION DISCLOSURE STATEMENT filed on August 17, 2004 is enclosed.

Respectfully submitted,



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March 02, 2005 (cont).

N2/28	D5001	LH	Decl.	Uchi	11/032,202	04/28/05	

March 03, 2005

3/1	D4800	HG	1-OA	Mio	10/495,897	4/1/05	
	D4440	RPM	N. of Pub.	Sun Md. kk.	79/000,104		
3/1	D2127C	RSB	IF	Dgaoa	10/090,282	06/01/05	
2/28	D1375	LH	N. of Aban.	Nishio	09/888,484		
2/28	D3329	LH	1-OA	Koreki	10/449,802	03/28/05	
3/1	D0646	LH	N. of Aban	Tabata	09/659,771		
3/1	D2640	LH	FOA	Yamauchi	10/315,714	06/01/05	
3/1	D3718	LH	IF	Dooaka	10/724,242	06/01/05	
3/1	D3025	RSB	IF	Mitsuhashi	10/348,500	06/01/05	
3/1	D2708	LH	IF	Yohizaki	10/322,942	06/01/05	

March 04, 2005

2/2	D1447	LH	1-OA	Uchino	09/890,441	04/02/05	
3/2	D3309	LH	FOA	Kawamoto	10/445,630	06/02/05	
3/2	D2160	LH	FOA	Kizaki	10/099,300	06/02/05	
3/2	D4816C	HG	Decl.	Okazaki	11/037,502	05/02/05	
3/2	D1589	LH	FOA	Arai	09/955,858	06/02/05	
3/1	D2360D1	LH	3-OA	Okamoto	10/916,997	06/01/05	
3/2	D2360D2	LH	IF	Okamoto	10/916,996	06/02/05	
3/1	D1638	RPM	N. of Aban.	Noda	09/980,262		
~~3/2~~	~~D5027~~	~~LH~~			~~11/037,509~~		
3/2	D3089	HG	1-OA	Saito	10/371,364	04/02/05	
3/1	D4828	LH	Decl.	Iizuka	10/998,235	05/01/05	
/2	D3712	LH	Supp. Allow.	Akagi	29/194,551	IF Pd.	
/1	~~D4436~~	~~LH~~		Yadidya	10/500,607		
/1	D4779	MJC	PCT. Decl.	Takao	10/514,981	05/01/05	
/28	D4373	LH	Supp. Allow	Ioka	10/863,879	IF Pd.	
/31	D3760IP	HG	IF	kaneko	09/925,028	05/02/05	

March 07, 2005

/3	D2595A	LH/AH	3-OA	Ooowa	10/395,350	06/03/05	
/4	D3191	LH	3-OA	kimura	10/396,307	06/04/05	
/4	D2670	RSB	3-OA	Ueda	10/067,124	06/04/05	

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01933 7590 04/05/2005

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EXAMINER	
OWENS JR, HOWARD V	
ART UNIT	PAPER NUMBER
1623	

DATE MAILED: 04/05/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,673	08/09/2001	Masakatsu Kaneko	01376CIP/HG	4630

TITLE OF INVENTION: NOVEL NUCLEOSIDE AND OLIGONUCLEOTIDE ANALOGUES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	$1400	$300	$1700	07/05/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

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A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

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